HIGH COURT OF CHHATTISGARH AT BILASPUR

(17)

Single Bench: **Hon'ble Shri Justice Dilip Raosaheb Deshmukh**

Misc. Appeal No. 859 of 2007

Appellant Claimant	:		Tharumal Shavni, aged about 41 years, S/o Shri Khanumal Shavani, R/o Village Sakari, Police Station – Chakarbhata, Bilaspur, Distt.Bilaspur (C.G.)
			Versus
Respondents	:	1.	Suresh Kumar Sahu, S/o Shri Durga Prasad Sahu, aged about 26 years, R/o Village Sakari, Thana-Chakarbhata, Bilaspur, Distt. Bilaspur (C.G.) (Drive and owner of the Vehicle C.G./10/A 8795)
	:	2.	Divisional Manager, New India Insurance Co. Ltd. Through : Branch Manager, Upward of UTI Bank, In front of Rajeev Plaza, Bus Stand, Bilaspur, Distt. Bilaspur (C.G.)

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

Present:
Shri Deepak Kumar Gupta, Counsel for the appellant/claimant.
Shri Sudhir Agrawal, counsel appears and takes notice on behalf of respondent No.2/insurance company.

ORAL ORDER
(Passed on 10.08.2007)

The appellant is aggrieved by an award dated 29.03.2007 passed by the 2nd Additional Motor Accidents Claims Tribunal, Bilaspur (hereinafter referred to as the Tribunal) in Claims Case No. 3 of 2006 whereby compensation of Rs.33,000/- was awarded to the claimants in a case of personal injury.

(2) During the course of arguments, a settlement was arrived at between the parties whereunder the respondent/insurance company agreed to pay a sum of Rs.7,000/- in addition to the compensation already awarded by the M.A.C.T by depositing the same with the M.A.C.T., within a period of one month from today.

(3) Shri Deepak Gupta, learned counsel for the appellant/claimant agrees to the settlement.

(4) In view of the settlement arrived at between the parties, the award passed by the M.A.C.T is modified and an additional sum of Rs.7,000/- over and above the sum awarded by the M.A.C.T is awarded as compensation to the appellant/claimant. After adjusting the compensation paid, the respondent No.2/insurance-Company shall deposit the remainder with the M.A.C.T. within a period of one month from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realization.

(5) With the aforesaid direction, the miscellaneous appeal stands disposed of.

(6) A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

A. that the claimant/appellant is noticed about the award and to appear before the M.A.C.T. in person along with his pass book of an account in a nationalized bank,

B. that the pass book of the claimant is accompanied by the photograph and is duly verified by the bank and the same is also verified by the M.A.C.T. before issuance of cheque,

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C. that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimant unless ordered by the M.A.C.T.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya